



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

APPLICATION 31816

PERMIT 21328

Right Holder: Carson Water Subconservancy District  
777 East William Street, Suite 110A  
Carson City, NV 89701

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. As used in this document, right holder means the person(s) or entity authorized to divert water under this permit or license. The priority of this right dates from **April 13, 2011**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012.

The Deputy Director for Water Rights finds that the State Water Board and/or the Applicant have met the following requirements for permit issuance: (a) demonstrated the availability of unappropriated water; (b) resolved protests in compliance with Water Code section 1330 et seq. and included appropriate permit conditions; (c) demonstrated that the water will be diverted and used without injury to any lawful user of water; (d) demonstrated that the intended use is beneficial; and (e) demonstrated that the requirements of the California Environmental Quality Act (CEQA) have been met or that the project is exempt from CEQA.

The State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].)

**Right holder is hereby granted a right to divert and use water as follows:**

1. Source of water: **Two (2) Unnamed Streams**

tributary to: **West Fork Carson River thence Carson River**

within the County of **Alpine**.

2. Location of points of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<b>1) Upper Lost Lake: North 2,003,891 feet and East 7,148,816 feet</b>	<b>NE ¼ of NE ¼</b>	<b>12</b>	<b>9N</b>	<b>18E</b>	<b>MD</b>
<b>2) Lower Lost Lake: North 2,004,986 feet and East 7,147,455 feet</b>	<b>SW ¼ of SE ¼</b>	<b>1</b>	<b>9N</b>	<b>18E</b>	<b>MD</b>

Location of points of redirection

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) North 2,054,533 feet and East 7,186,408 feet	SE ¼ of SE ¼	26	11N	19E	MD
(2) North 2,054,433 feet and East 7,185,657 feet	SE ¼ of SE ¼	26	11N	19E	MD
(3) North 2,062,357 feet and East 7,194,256 feet	SE ¼ of NW ¼	19	11N	20E	MD
(4) North 2,064,079 feet and East 7,195,021 feet	NW ¼ of NE ¼	19	11N	19E	MD
By Nevada Coordinate System of 1983 in Zone 2703	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(5) North 14,731,938 feet and East 2,306,237 feet	NE ¼ of SW ¼	14	15N	20E	MD
(6) North 14,730,022 feet and East 2,306,215 feet	SE ¼ of SW ¼	14	15N	20E	MD

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian	Acres
<b>Municipal</b>	<b>Within the Carson City Utilities Department service area and the Lyon County Utilities Department service area as shown on map dated January 9, 2013.</b>					
<b>Irrigation</b>		<b>1, 25, 26 &amp; 36</b>	<b>11N</b>	<b>19E</b>	<b>MD</b>	
		<b>6, 7 &amp; 18</b>	<b>11N</b>	<b>20E</b>	<b>MD</b>	
					<b>Total</b>	<b>770.7</b>
<b>Recreational</b>	<b>Upper Lost Lake: NE ¼ of NE ¼</b>	<b>12</b>	<b>9N</b>	<b>18E</b>	<b>MD</b>	
	<b>Lower Lost Lake: SW ¼ of SE ¼</b>	<b>1</b>	<b>9N</b>	<b>18E</b>	<b>MD</b>	

The place of use is shown on map 12-179.1 and 12-155.2, dated January 9, 2013 filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a combined total of **47.8 acre-feet per year** by storage to be collected from **December 1** of each year to **March 31** of the succeeding year in Upper Lost Lake and Lower Lost Lake.

The total quantity of water diverted under this water right and the water right pursuant to Application 4019 shall not exceed **219 acre-feet per year**.

(0000005D&Q)

6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2028.  
(0000009)
7. If it is determined that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, right holder shall, at their expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California or Nevada and shall meet the requirements prescribed in California Code of Regulations, title 23, section 715 et seq. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.  
(0000030)
8. No water shall be diverted under this right unless right holder is monitoring and reporting the water surface elevation in the reservoirs. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring water surface elevations from the maximum water line to the minimum water line known to exist for the reservoirs and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed and the mark or reading corresponding to the maximum water line of the reservoirs with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of water surface elevations. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights. The State Water Board may require release of water held in storage that cannot be verified by monthly records. Failure to maintain or submit the required records may result in the requirement to release the entire content of the reservoir's storage.

(0100047)

9. No water shall be diverted under this right unless right holder is monitoring and reporting the withdrawal of water for beneficial use from the reservoirs. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring of the rate and quantity of water withdrawn for beneficial use from each reservoir and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of all withdrawals of water for beneficial use under this right that includes the date, time, rate of withdrawal or release, and the amount of water withdrawn or released. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(0100052)

10. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan.

(0000070)

11. Diversion of water under this permit shall be subject to regulation by the watermaster appointed to enforce the terms of the Alpine Decree.

(000000N)

12. Right holder shall maintain the existing outlet pipes for Upper Lost Lake and Lower Lost Lake in proper working order.

(000000S)

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**THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by right holder when requested by the State Water Board until a license is issued. (0000010)
- C. Right holder shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this right. (0000011)
- D. Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this right holder and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by right holder in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to right holder and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. This right does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right. (0000014)
- G. Right holder shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605. (0000015)
- H. No water shall be diverted under this right, and no construction related to such diversion shall commence, until right holder obtains all necessary permits or other approvals required by other agencies. If an amended permit is issued, no new facilities shall be utilized, nor shall the amount of water diverted increase beyond the maximum amount diverted during the previously authorized development schedule, until right holder complies with the requirements of this term.

Within 90 days of the issuance of this permit or any subsequent amendment, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002.); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344.); or, (5) local grading permits.

Right holder shall, within 30 days of issuance of all permits, approvals or waivers, transmit copies to the Division of Water Rights.

(0000203)

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***This permit is issued and right holder takes it subject to the following provisions of the Water Code:***

*Water Code section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).*

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
JAMES W. KASSEL FOR

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: APR 10 2013